



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

May 10, 2019

Mr. Scott Wright
Diamond Chrome Plating
604 South Michigan Avenue
Howell, Michigan 48843-2605

Dear Mr. Wright:

SUBJECT: Violation Notice (VN), Diamond Chrome Plating (DCP)
Livingston County; Site Identification Number MID 005 344 973
First Amended Consent Decree (FACD) Ingham County Circuit Court
Docket No. 03-1862-CE.

On April 3, 2019, Department of Environment Quality, now Department of Environment, Great Lakes, and Energy (EGLE), Waste Management and Radiological Protection Division, now Materials Management Division (MMD), staff conducted an inspection of DCP, located at 604 South Michigan Avenue, in Howell, Michigan. The purpose of the inspection was to evaluate DCP's compliance with Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 121, Liquid Industrial By-Products, of the NREPA; the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended; and any administrative rules or regulations promulgated pursuant to these acts; as well as the hazardous waste sections of the FACD (as referenced above). A copy of the completed inspection form can be obtained by contacting this office.

As a result of the April 3, 2019, inspection, the MMD determined that DCP is in violation of the following at the above-referenced location:

1. INADEQUATE AISLE SPACE – Adequate aisle space shall be maintained with sufficient space for unobstructed movement of personnel and emergency equipment as required in Title 40 of the Code of Federal Regulations (CFR), Section 265.35 (Part 111, Rule 306(1)(d)). During the inspection MMD staff observed the following:
 - a. Two rows of totes, stacked three high and three deep with inadequate aisle space on the left side and between the totes.
 - b. There was aisle space on the right side of one row of totes, but the aisle was blocked with 55-gallon drums of hazardous waste.

The containers must be stored with adequate aisle space to inspect the containers, observe the hazardous waste labels, and ensure that there are no leaks. To document correction of this violation, DCP must provide a written statement indicating how the aisle space will be maintained and a digital photo verifying the correction has been implemented.

2. SATELLITE CONTAINERS HAZARDOUS WASTE RESIDUE - A container being used to accumulate hazardous waste at the point of generation shall be maintained in good condition. If it begins to leak, the facility must transfer the hazardous waste to a container that is in good condition or manage the waste in some other way that complies with the requirement of 40 CFR, Section 265.171 (Part 111, Rule 306(2) & 40 CFR, Section 262.34(c)(1)(i)). During the inspection MMD staff observed the following:
 - a. At least 12 Satellite hazardous waste containers on site were properly labeled. However, 1 container, located near the north-east corner of the plant had no readable hazardous waste label. Please document correction of this container labeling.
 - b. MMD staff observed 5 satellite hazardous waste containers with hazardous waste residue on the outside of the container. These containers must be maintained in good condition, such that all hazardous waste is stored inside the container, and that any residues of hazardous waste are cleaned and placed in the container.

EGLE staff also acknowledges that the 90 day storage area had dozens of containers that were clean and free of residue. Staff persons involved in overseeing keeping those containers clean deserve acknowledgement. The satellite containers should be maintained similarly. DCP must document correction of this violation to this office.

3. CONTINGENCY PLAN UPDATE – The contingency plan was not updated with the new Environmental Manager, and still had Mr. John Wagner listed. Mr. Wagner is longer is on staff, and has been replaced by you, Mr. Scott Wright. This violates Part 111, Rule 306(1)(d) & 40 CFR, Section 265.52(d)). This violation was corrected during the inspection. No further action is required on this item.

While not specific violations, the following additional issues were identified by MMD staff during the course of the inspection, and action may be required to document compliance. This is provided to assist DCP in maintaining compliance, avoid future noncompliance, or request additional information necessary to make a compliance determination.

- A. HAZARDOUS WASTE MANAGEMENT PLAN (HWMP) – In accordance with the FACD, DCP has a HWMP, which must be updated as processes for hazardous waste management changes.

- a. Vapor Degreaser – DCP was unable to explain how wastes from the new chlorinated solvent, vapor degreaser are managed, and how the waste is characterized in accordance with Part 111, Rule 302 & 307. The waste sludges &/or oils from these solvents would at minimum be an F001 or F002 listed hazardous waste.

The process for maintaining this machine, such that wastes are timely removed and discarded properly, must be submitted to EGLE and added to the HWMP. This process could also be a benefit to DCP, such that wastes are removed timely before part cleaning failures occur.

- b. Hazardous Waste Containment Pits Measurement Tool – During the inspection, MMD staff observed DCP staff used a metal rod, measuring about 4 or 5 feet long, and approximately ¼ to ½ inch in diameter, poking it down into the pit until it hit the bottom of the liner, to measure the depth of the waste in the hazardous waste pits near the north-east corner, under the plating tanks. This process raised concern, because no rubber stopper or any protection, was on the bottom of the metal rod, and it could poke a hole, damage, and/or reduce the life of the vinyl liner. Folds in the liner, which would be at risk of potential pokes were observed by MMD staff.

Please document a new procedure or safety equipment utilized to take measurements of the liquid level in the pits.

- c. Pending Analysis – MMD staff observed two totes labeled “Hazardous Waste”, stored in the 90 day area, which were also labeled “Tank #5 Chrome Pending Analysis” and “Tank #6 Chrome Pending Analysis”. DCP staff indicated that the results from the analysis were forthcoming. DCP must provide the waste characterization results, from this analysis, in accordance with Part 111, Rule 307(2).
- d. June 24, 2016 VN – There are some un-resolved violations, previously cited in the DEQ’s (EGLE’s) June 24, 2016, VN, regarding demolition of contaminated concrete, failure to characterize the hazardous waste, failure to manifest, using an unregistered transporter, etc. No further actions are required at this time.

DCP should immediately initiate any actions specified above and other actions necessary to correct the cited violations. Additionally, please submit documentation to this office regarding those actions taken or to be taken to address the violations and address the issues listed above by June 10, 2019.

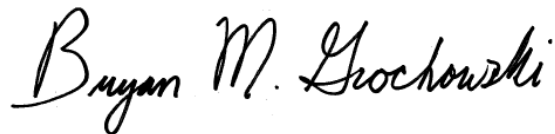
Your response may include additional information relevant to the violations observed for evaluation. The MMD will evaluate your response, determine DCP’s compliance status at the above-referenced location, and notify you of this determination.

This VN does not preclude, nor limit, EGLE's ability to initiate any other enforcement action under state or federal law, as deemed appropriate.

For more information, guidance, and training on hazardous waste and liquid industrial by-products, go to Michigan.gov/EHSGuide (click on Chapter 2) or Michigan.gov/DEQEVENTS or Michigan.gov (in search box type "Hazardous Waste Webinars").

EGLE anticipates and appreciates your cooperation in resolving this matter. If you have any questions, please feel free to contact me at 517-243-0499, Grochowskib@michigan.gov, or EGLE, MMD, Lansing District Office, Constitution Hall, 525 West Allegan, 1st Floor South, P.O. Box 30242, Lansing, MI 48909.

Sincerely,



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cc: Mr. Jim Colmer, BB&E (Jcolmer@bbande.com)
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Ms. Melinda Shine, EGLE MMD
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